

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:

NAGPUR BENCH: NAGPUR

CRIMINAL APPLICATION NO. 2887 OF 2006

Wamanrao Zinguji Gadge

versus

State of Maharashtra

Mr. V.M.Deshpande, Advocate for the applicant.

Mr.Jichkar, Adv. for Non-applicant – State

CORAM: S. R. DONGAONKAR, J.

DATE: 27.9.2006

- 1] Heard learned counsel for the parties.
- 2]. This is an application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail as the applicant is apprehending arrest in connection with the Crime No. 287/2006 for the offences punishable under Sections 408, 409, 468, 471 r/w 34 of Indian Penal Code. Needless to mention that there are other three accused along with the present applicant in the said matter.
- 3] The case against the applicant is that he had forged the letters of recommendations while allotting the work to the Cooperative Societies.
- 4] The reply filed by the non-applicant for opposing the application of the applicant does not show anything by which

custodial interrogation of the applicant is necessary. Further the learned APP tried to read statement of one Sopan Shivaji Datar, however, all that he read do implicate one Anturkar and not this applicant.

5] On perusal of the material available on record, it is difficult to hold that the applicant's custody is necessary for the purpose of investigation.

6] This court had granted the interim anticipatory bail to the applicant vide order dated 31st August, 2006. Nothing has been brought on record as to what investigation is still required to be done. Hence, there is nothing on record by which this application can be rejected.

7] Hence, applicant be released on bail in the event of his arrest in Crime No. 287/06 of Police Station Yavatmal City for the offences Sections 408, 409, 468, 471 r/w 34 of Indian Penal Code on furnishing surety and P.R. Bond of Rs. 25,000/- subject to condition that he shall make himself available for the purpose of investigation as and when directed by the I.O. and he shall not directly or indirectly tamper with the prosecution evidence.

Hamdast granted.

JUDGE

Rvjalit